

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

In The Matter of A)
Domestic Relations Procedural Order)
_____)

Administrative Order 3AN -AO-09-01
(Supersedes AO 3AN-07-05)

DOMESTIC RELATIONS PROCEDURAL ORDER

**APPLIES TO ALL NEW CASES
FILED AFTER APRIL 2, 2002**

I. JUDICIAL ASSIGNMENT for case 3AN-_____ CI

Your case has been assigned to Judge: _____
and to Master: _____.

II. STANDING INJUNCTION

This Standing Injunction is effective immediately upon delivery to the party or the party's attorney, and shall remain in effect until the Entry of Decree.

A. Neither party shall allow the removal of any child who is the subject of this action from the State of Alaska without written consent of the other parties or an order from the court.

B. The parties shall not dispose of, encumber, transfer, or dissipate any marital property without written consent of the other party or an order from the court.

C. In Divorce Actions only, the parties shall not cancel or alter the terms of any insurance policy without written consent of the other party or an order from the court.

D. The parties shall not use marital funds or assets except for the immediate, personal, and necessary living expenses of themselves and their children.

E. Neither party shall threaten, harass, or harm the other party or children. Harassment includes, but is not limited to, excessive telephone calls or stalking.

BE ADVISED that by receiving this document, you have been **ORDERED** by the court to follow its directives, just as if you had been personally in a courtroom and this order had been *given to you personally* by a Judge of the Superior Court. Failure to follow this Domestic Relations Procedural Order is a serious matter. Failure may result in your paperwork being **rejected** by the court and will result in **delay** of the court's consideration of any relief you are requesting. Further, failure to follow this Domestic Relations Procedural Order may subject you to **other sanctions**, for example being ordered to pay the other party's attorney fees and costs, being found in contempt of court, etc.

III. GENERAL PURPOSE AND POSSIBLE SANCTIONS

This Domestic Relations Procedural Order has been designed to provide basic procedural instructions and filing requirements to parties in domestic cases. **IT IS NOT A SUBSTITUTE FOR FAMILIARITY WITH THE ALASKA RULES OF COURT**, which are available for review in state law libraries *or online at <http://www.state.ak.us/courts/rules.htm>*. If you have questions you should consider consulting an attorney.

IV. FILING REQUIREMENTS

A. All pleadings and motions must be supported by a concise listing of the relief requested, and be supported by the required documents listed below in order to be accepted for judicial review. Required court forms are available at Customer Service in the Nesbett Courthouse, 825 W. 4th Ave., Anchorage, or on-line at <http://www.state.ak.us/courts/forms.htm>. Parties without lawyers may contact the **Family Law Self-Help Center's Helpline** for assistance at 264-0851, or visit the Center's web site at <http://www.state.ak.us/courts/selfhelp.htm>.

B. Complaints and Answers in divorce proceedings, and **Complaints and Answers** in custody proceedings must be accompanied by the following:

1. Summons (Form CIV-100) (Complaint only);
2. Child Custody Jurisdiction Affidavit (Form DR-150);
3. Vital statistics form (Form VS-401); and
4. The filing fee or a Request for Exemption for Paying of Filing Fee (Form TF-920). (Complaint only).

C. Motions and Oppositions regarding **child custody, visitation, and access to minor children** must be accompanied by the following:

1. A Memorandum supporting your position;
2. For the Opposition, a Memorandum responding to the Motion;
3. A sworn affidavit from the moving or opposing party setting forth the factual basis for the motion or opposition; and
4. A separate order setting forth in detail the Requested Relief.

D. Motions and Oppositions regarding **child support** must be accompanied by the following:

1. A Memorandum supporting your position;
2. For the Opposition, a Memorandum responding to the Motion;
3. A signed and notarized Child Support Guidelines Affidavit (Form DR-305);
4. In cases of shared physical custody as defined by Alaska R. Civ. P. 90.3(b) and 90.3(f)(1), a signed and notarized Child Support Guidelines Affidavit (Form DR-305) and Shared Custody Child Support Calculation Form (Form DR-306);
5. In cases of divided physical custody as defined in Civil Rule 9.3(f)(3), a signed and notarized Child Support Guidelines Affidavit (Form DR-305) and a Divided Custody Support

Support Calculation form (Form DR-307);

6. Federal income tax returns, including all schedules and statements, for the past **two years**;

7. Copies of pay stubs or other documentation which shows each party's **total year-to-date income from all sources**; and

8. A proposed order (Form DR-300 or DR-301).

E. Motions and Oppositions regarding spousal support, attorney's fees, custody investigators (Civil Rule 90.6) Guardians ad Litem (Civil Rule 90.7), exclusive possession of marital home and to pay bills must be accompanied by the following:

1. A Memorandum supporting your position;

2. A signed and notarized Financial Declaration (Form DR-250);

3. Federal income tax returns for the past **two years**;

4. Copies of pay stubs or other documentation which shows each party's **total year to date income from all sources**; and

5. A separate order setting forth in detail the Requested Relief; and

6. In the case of a request for appointment of a custody investigator or guardian ad litem, the movant must submit a proposed appointment order.

F. Notice of Compliance/Inability to Comply

1. If a party does not have possession of, or access to, the required documents listed in Sections C, D, and E, above, that party shall submit with his or her motion a sworn **certificate of document compliance/inability to comply**, which shall identify the missing documents, and specify:

a. A brief statement as to why the party was unable to file the required documents at the time the motion was filed;

b. A statement of the specific efforts the party undertook to attempt to obtain the required documents;

c. When the required documents can be obtained and filed with the court; and

d. Where the party believes the required documents could be found, and whether the opposing party has possession or control of said documents.

2. Parties or attorneys failing to comply with Sections F.1, above by the time the Reply brief is due pursuant to Civil Rule 77(b) and (d) may be required to appear at a show cause hearing called by the court or requested by the other party or subjected to other sanctions.

G. Motions for Expedited Consideration

A Motion for Expedited Consideration of a party's principal motion shall comply with Civil Rule 77(g).

1. The Motion for Expedited Consideration shall be accompanied by a concise affidavit or other evidence:

- a. Describing facts that justify expedited consideration; and
- b. Certifying the efforts the moving party has made to resolve the issue without motion.

2. The Motion for Expedited Consideration shall state the date by which a decision on the principal motion is needed and the reason.

3. The moving party also shall file a proposed order providing for expedited consideration of the principal motion.

4. The moving party shall serve the Motion for Expedited Consideration, affidavit and other evidence, proposed order, principal motion and all supporting documents by personal or facsimile service to provide actual notice to the opposing party and shall file such proof of service; or if the opposing party was not served, state what efforts were made to notify the opposing party. **Failure to comply with these requirements may result in rejection of the Motion for Expedited Consideration.**

V. DISCOVERY

The parties shall comply with Civil Rule 26.1 in every divorce action. In all divorce actions, a party shall, without awaiting a discovery request, provide to the other party the disclosures set out in Civil Rule 26.1(b). Unless otherwise permitted by the court, these disclosures shall be made within forty-five days after the filing of the answer. A party shall make its initial disclosures based on the information then reasonably available. The party is not excused from making its disclosures because it has not fully completed its investigation of the case, or because it challenges the sufficiency of another party's disclosures, or because another party has not provided its disclosures. Failure to comply with Civil Rule 26.1 shall result in sanctions. These initial disclosures do not limit the scope or amount of discovery parties may properly request in a divorce action. The parties may request additional discovery pursuant to Civil Rules 26 - 37.

VI. INTERIM HEARINGS

A party's request for an interim hearing and the opposing party's response must include an estimate of the amount of time needed to present evidence regarding the interim motion. The time available for evidentiary hearings on interim motions is limited.

VII. EXPERT WITNESSES

Disclosure of information, testimony and recommendations of expert witnesses, including custody investigators, is controlled by Civil Rules 26(b).

A. Valuation Experts. Except for experts retained to value the parties' respective interests in closely held businesses, the parties shall attempt to agree on independent experts who shall value personal property, real property, pensions, retirement accounts, deferred compensation accounts or other investments, and shall attempt to agree on the percentage that each party shall pay toward the expert's fee. The expert shall issue a written report, and each party shall be entitled to depose the expert.

B. Custody Investigators and Guardians ad Litem. The appointment and

responsibilities of custody investigators are governed by Civil Rule 90.6. The appointment of guardians ad litem is governed by Civil Rule 90.7. Absent a showing of good cause, a custody investigator will not be appointed in the following circumstances: (1) the parties have agreed to mediate custody issues or mediation has been ordered or requested; (2) in a proceeding to modify custody, unless there has been a preliminary determination that a substantial and material change of circumstances has occurred; or (3.) the only issue is joint versus sole legal custody.

1. **Court Custody Investigators.** The court custody investigator will be appointed only if the court determines that a custody investigation will assist the finder of fact in determining custody issues and that the parties cannot afford to hire their own expert to assist the court. All cases in which a motion for appointment of the court custody investigator has been filed will be subject to screening prior to referral by the court. The screening mechanism is comprised of two components:

a. **Financial eligibility of the parties:** The court custody investigator will be appointed only if the court determines the parties do not have the financial resources to pay for a private custody investigation. As a guideline, the financial ceiling for parties should be a combined annual gross income of \$75,000. Determination of financial eligibility will be made by the court on a case-by-case basis, taking into account the total financial circumstances. A completed Financial Declaration (Form DR-250) must accompany each motion for appointment of the court custody investigator. The responsive party must file a completed Financial Declaration (Form DR-250).

b. **Basis or reason for the referral:** A brief affidavit outlining the substantive reasons for the referral must accompany the motion. The responsive party may file a brief affidavit.

2. **Orders for Custody Investigations.** A Form Order (Form DR-410 ANCH) must be issued in every case referred to the court custody investigator. In cases in which a party moves for the appointment of a private custody investigator, the motion must include a proposed appointment order which affords the custody investigator access to all information regarding the child, and which orders the parties to execute appropriate releases in favor of the custody investigator.

C. The use and appointment of other expert witnesses shall be governed by the Civil Rules.

VIII. TRIAL

After an Answer to a Complaint is filed, the court shall promptly set a trial schedule or either party may file a Memorandum to Set Case for Trial (Form CIV-200).

IX. FINAL PAPERWORK

A. The following documents must be submitted before the court will issue a Decree of Divorce in any original divorce matter:

1. Findings of Fact and Conclusions of Law
2. Vital Statistics Report Form (VS-401)
3. Final Child Support Order (Form DR-300 or DR-301 in the case of a modification) supported by signed and notarized child support guidelines Affidavit (Form DR-305)

4. Decree of Divorce

B. The following documents must be submitted before the court will issue a Final Order in any non-divorce custody or child support matter:

1. Findings of Fact and Conclusions of Law
2. Decree of Custody
3. Final Child Support Order (Form DR-300 or DR-301), supported by signed and notarized child support guidelines Affidavit (Form DR-305)

C. Other documents may be necessary to preserve and protect a party's financial interest, such as Qualified Domestic Relations Orders, Qualified Medical Child Support Orders, and Quitclaim Deed.

D. The court retains discretion to relax the requirements of paragraph IX for good cause.

X. POST-DECREE MOTIONS AND PROCEEDINGS

Motions filed after a final Order or Decree has been issued in a case (such as for modification of child custody, child support or alimony, or for enforcement of provisions of the earlier divorce) shall comply with applicable portions of sections III, IV, VII, and IX of this Domestic Relations Procedural Order. See Alaska Civil Rules, in particular Rule 77 concerning motions, and Rule 5(g) concerning service requirements.

XI. THE COURT RETAINS DISCRETION TO MODIFY THIS ORDER FOR GOOD CAUSE.



1/28/09

Date

Morgan Christen
Presiding Judge

I Certify that on _____ a copy of this Domestic Pretrial Order was mailed given to plaintiff plaintiff's counsel to serve on the defendant with the summons.

Deputy Clerk _____